



City of Blaine
Anoka County, Minnesota
Minutes - Final
City Council

10801 Town Square Dr.
Blaine MN 55449

Thursday, March 21, 2013

7:30 PM

Council Chambers

1. CALL TO ORDER BY THE MAYOR

The meeting was called to order at 7:40 p.m. by Mayor Ryan followed by the Pledge of Allegiance and the Roll Call.

Quorum present.

ALSO PRESENT: Bryan Schafer, Planning Director; Joe Huss, Finance Director; Robert Therres, Public Services Manager; Jean Keely, City Engineer; Roark Haver, Communications Technician; Jason Sundeen, Senior Engineering Technician; Catherine Ekstrand, Deputy City Clerk; and Recording Secretary Linda Dahlquist.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: 7 - Mayor Ryan, Councilmember Hovland, Councilmember Swanson, Councilmember Clark, Councilmember Bourke, Mayor Pro Tem Kolb and Councilmember Herbst

4. APPROVAL OF MINUTES

4.1 [MIN 13-07](#)

WORKSHOP MEETING - 03/07/13
REGULAR MEETING - 03/07/13

Sponsors: Cross

Attachments: [Workshop Minutes 03/07/13](#)
[Council Minutes 03/07/13](#)

Councilmember Clark requested the following changes to Regular Meeting Minutes of March 7, 2013:

Page 8, new paragraph 3; "Councilmember Clark questioned who the Teamsters bought the property from. Community Development Director

Schafer replied from the developer. Councilmember Clark asked if it was the developer who agreed to the 50 parking stalls easement. Community Development Director Schafer responded that is correct. Councilmember Clark clarified that this requirement is a private agreement between buyer and seller.”

Page 8, paragraph 6 edited to read; “Councilmember Clark asked the City Attorney when there is an agreement between two private parties relative to parking, is there any reason for us to delay action or change our action based on that agreement or do we just put that agreement aside and go ahead and make our land use decision based on our standard process.”

Page 8, new paragraph 7; “City Attorney Sweeney responded that the agreement is a private agreement between the previous owner and the Teamsters and the City is not a party to that and the City’s responsibility is to process the matter before the Council tonight in accordance with zoning and comprehensive plan review that is required by ordinance.”

Moved by Councilmember Hovland, seconded by Mayor Pro Tem Kolb, that the Minutes be Approved. The Motion was adopted unanimously.

5. AWARDS - PRESENTATIONS - ORGANIZATIONAL BUSINESS

None.

6. COMMUNICATIONS

Mayor Ryan congratulated the Arts Group for the artwork that is displayed throughout City Hall.

Mayor Ryan stated the City will host an open house at City Hall on March 30 for organizations located in the City of Blaine that are seeking volunteers for projects.

Councilmember Clark stated the Curling Center’s grand opening is on April 2.

7. OPEN FORUM FOR CITIZEN INPUT

Mayor Ryan opened the Open Forum at 7:46 p.m.

Mayor Ryan welcomed the Boy Scouts Troop 714, Conner Allen and Drew Swenson stated they are working on their Citizenship in the Community merit badges.

There being no further input, Mayor Ryan closed the Open Forum at 7:49 p.m.

8. ADOPTION OF AGENDA

9. 8:00 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME

Moved to follow agenda item 11.2C.

10. APPROVAL OF CONSENT AGENDA:

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this be Adopt the Consent Agenda. The Motion was adopted unanimously.

Approval of the Consent Agenda

Moved that the following items be Approved by Consent Vote. Motion adopted unanimously.

10.1 [MO 13-033](#)

SCHEDULE OF BILLS PAID

Sponsors: Huss

Attachments: [February 2013 Payroll Checks and Wires](#)
[03/01/13 Bills Paid](#)
[03/08/13 Bills Paid](#)

Approved unanimously by Consent Vote.

10.2 [MO 13-034](#)

**APPROVE OPERATING AGREEMENT WITH RISE INC.
FOR WORKER TO PERFORM CUSTODIAL SERVICES
FOR THE CITY OF BLAINE FOR 2013**

Sponsors: City Council

Attachments: [SKMBT C65213031210440](#)

Approved unanimously by Consent Vote.

10.3 [ORD 13-2260](#)

**VACATION OF DRAINAGE AND UTILITY EASEMENTS
LOT 1, BLOCK 6, GARDENWOOD
VACATION NO. V13-01**

SECOND READING

Sponsors: Keely

Attachments: [V13-01 Gardenwood Location Map.pdf](#)

Adopted unanimously by Consent Vote.

10.4 [ORD 13-2261](#)

**VACATION OF DRAINAGE AND UTILITY EASEMENTS
LOTS 7 & 8, BLOCK 2, THE SANCTUARY EIGHTH
ADDITION
VACATION NO. V13-02**

SECOND READING

Sponsors: Keely

Attachments: [V13-02 Sanctuary location map.pdf](#)

Adopted unanimously by Consent Vote.

11. DEVELOPMENT BUSINESS

11.1 [RES 13-036](#)

**FINAL PLAT APPROVAL TO SUBDIVIDE 30.08 ACRES
INTO 17 SINGLE FAMILY LOTS AND NINE OUTLOTS TO
BE KNOWN AS HARPERS STREET WOODS 2ND
ADDITION AT HARPERS STREET/NORTH OF 128TH
LANE NE. CAPSTONE HOMES. (CASE FILE NO.
13-0002/SLK)**

Sponsors: Schafer

Attachments: [Attachments - Final Plat](#)

Planning and Community Development Director Shafer stated the final plat proposal consists of subdividing approximately 30 acres into a subdivision with a total of 17 single family lots and nine outlots for a park, future development and ponding. The applicant are proposing a City park in the northwest corner of the proposed plat (Outlot A) with access from the south on 129th Lane NE and from 130th Court on the north.

Councilmember Herbst questioned where the sewer and water would be brought into the development. Community Development Director Schafer replied 2/3 of the way up Harpers Street. Councilmember Herbst asked when the property to the north, east, or west is developed how the sewer and water would extend. Community Development Director Schafer replied if those properties developed this year the City would work something out with the developer.

Moved by Councilmember Herbst, seconded by Councilmember Hovland, that this Resolution be Adopted. The Motion was adopted unanimously.

The Following 3 Items are Related**11.2A [ORD 13-2262](#)****GRANTING A REZONING FROM PBD (PLANNED BUSINESS DISTRICT) TO DF (DEVELOPMENT FLEX) AT 95th AVENUE/HAMLIN AVENUE NE. NORTHEAST METROPOLITAN SCHOOL DISTRICT #916. (CASE FILE NO. 13-0006/SLK)**

Sponsors: Schafer

Attachments: [Attachments](#)

Planning and Community Development Director Schafer stated Northeast Metro 916 Intermediate School District is proposing to purchase 19 acres on the south side of 95th Avenue and construct a new K-8 school facility for children with Autism Spectrum Disorders, and Emotional and Behavioral Disorders. He stated the school's hours will be 8:00 a.m. to 3:15 p.m. He noted that students are transported by bus or van from their home districts and car traffic is limited to employees and visitors. He stated the property will be rezoned from PBD to DF to allow the school as a Conditional Use. He stated ISD 916 will contribute to public safety services. He stated a public school is not subject to property taxes ISD 916 has agreed to execute a Services Agreement that includes annual payment of \$15,000 that is adjusted with a 2% annual inflation index. He stated park dedication would be due for the platted lot and due prior to release of final plat Mylar for recording. He stated the city will monitor the 95th Avenue intersection to warrant the installation of a signal system, and if so, the applicant will be assessed a portion of the installation cost.

Councilmember Hovland stated the lot is an odd shaped property and asked about the short extension to the south. Community Development Director Schafer replied the lot is odd shaped and that area was developed for future ponding, but the school does not need ponding so that part will remain green space with trees. Councilmember Hovland asked if that portion of the property could be developed in another manner than school use and asked if that portion could be left out of the zoning change. Community Development Director Schafer replied it is all one parcel and the school could decide to split that portion out. He stated this action would need a City application to split the property for a subdivision. He suggested it would be best to keep the lot intact.

Moved by Councilmember Swanson, seconded by Councilmember Hovland, that this Ordinance be Adopted. The Motion was adopted unanimously.

11.2B [RES 13-037](#)**GRANTING PRELIMINARY PLAT APPROVAL TO**

**SUBDIVIDE AN OUTLOT INTO ONE LOT TO BE KNOWN
AS NORTHEAST METROPOLITAN SCHOOL DISTRICT
916 ADDITION AT 95TH AVENUE/HAMLIN AVENUE NE.
NORTHEAST METROPOLITAN SCHOOL DISTRICT #916.
(CASE FILE NO. 13-0006/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Moved by Councilmember Bourke, seconded by Mayor Pro Tem Kolb, that this Resolution be Adopted. The Motion was adopted unanimously.

11.2C [RES 13-038](#)

**GRANTING A CONDITIONAL USE PERMIT TO
ALLOW FOR CONSTRUCTION AND OPERATION
OF A 70,000 SQUARE FOOT SCHOOL AT 95TH
AVENUE/HAMLIN AVENUE NE. NORTHEAST
METROPOLITAN SCHOOL DISTRICT #916. (CASE
FILE NO. 13-0006/SLK)**

Sponsors: Schafer

Attachments: [Attachments.pdf](#)

Christine Carr, Director of Administrative Services Northeast Metro District 916, White Bear Lake, stated the bids will go out in April and May and ground breaking will be in June. She stated the school will be open in the fall 2014. She stated there will be 90-100 students and the same number of staff starting school.

Moved by Mayor Pro Tem Kolb, seconded by Councilmember Hovland, that this Resolution be Adopted. The Motion was adopted unanimously.

8:00 P.M. - PUBLIC HEARING AND ITEMS SET FOR A CERTAIN TIME

9.1 [RES 13-035](#)

**ORDER IMPROVEMENT AND ORDER PREPARATION OF
PLANS AND SPECIFICATIONS FOR THE PAVEMENT
MANAGEMENT PROGRAM - 2013 BITUMINOUS
OVERLAY, IMPROVEMENT PROJECT NO. 13-01**

Sponsors: Keely

Attachments: [2A.pdf](#)
 [2B.pdf](#)
 [2C.pdf](#)
 [2D.pdf](#)
 [2E.pdf](#)
 [2F.pdf](#)
 [2G.pdf](#)
 [2H.pdf](#)

Mayor Ryan opened the public hearing at 8:02 p.m.

City Engineer Keely stated 728 properties are proposed to be assessed for the 2013 Pavement Management Program. She stated the proposed assessment rate is \$535.05 per residential lot unit on properties zoned single family residential and \$10.70 per front foot on commercial/industrial/high density residential property. She noted the remaining portion is proposed to be paid from the City's Pavement Management Program funds.

Paul Buchholz, 1250 126th Avenue, asked if the City received any complaints about the proposed assessments. Mayor Ryan replied the City received approximately three comments.

Mr. Buchholz asked how long will the project take. Mayor Ryan replied the work will take 2 days.

Mr. Buchholz asked how the assessment was calculated. He mentioned there is a pond on his property. City Engineer Keely stated Unit 100 is proposed to be assessed 20.2 lineal feet for \$216.14; Unit 200 is proposed to be assessed 12.3 lineal feet for \$131.61; and Unit 300 is proposed to be assessed 193.5 lineal feet for \$2,070.45.

John Hartinger, 1250 126th Avenue, stated he is concerned that property owners are required to put ponds on their property and no money is escrowed to clean the pond. He stated his shopping center is struggling because of all the surrounding road construction. He stated his shopping center is under duress. He noted several businesses received money for loss of business, but his shopping center did not get any. Mayor Ryan replied the City did not manage the funding to the businesses. Mr. Hartinger suggested not doing the project and "squirrel or escrow" the money for the future.

Councilmember Herbst asked if the City does not do an overlay now on the road will it cost more in the future. City Engineer Keely stated a reconstruction could cost at least three times more.

Mr. Hartinger stated the City should be escrowing money for the City's roads.

Councilmember Clark commented the City established the Pavement Management Program to extend the life of the roads. He stated the City is doing overlays on roads in order to extend the life of the roads and avoid the higher cost of road rebuilds. He asked Mr. Harding for what he is asking the Council to do: delay the project, not do the project, or do the project and not charge the residents.

Mr. Hartinger stated the City should have the budget to pay for road improvements and not assess the residents.

Mayor Ryan stated in the past the City did road patching each year. He stated even with the Pavement Management Program the City will never be caught up on necessary road work.

Mayor Ryan stated the City has discussed the traffic on 126th Avenue.

Councilmember Herbst commented that Blaine has the lowest tax rate in Anoka County. He asked City Engineer Keely if this street could wait for a few more years. He stated Mr. Hartinger is asking the Council for a break from road construction.

Councilmember Clark asked if this road could be pulled out of the program for this year. City Engineer Keely replied any road could be pulled from the program any time before the assessment hearing in the fall. She stated there are 728 parcels in the program and the age of the roads are between 19-50 years. City Engineer Keely replied the road was listed as good enough shape to get an overlay. She noted delaying the overlay will cause the road to be dropped lower on the priority list and then become a reconstruction project.

Councilmember Herbst commented if the road is newer and can hold up the City should delay the work for a year or two and the City can do another road. He asked staff to further review the road.

Councilmember Kolb stated she is concerned about the residents on Buchanan Circle who will be impacted by a delay in the overlay. She is concerned about the bad winter and its effect on the road.

Councilmember Clark suggested postponing the project and notify the residents in the neighborhood of the three year delay to give them the opportunity to comment. He asked what other street could be done in its place.

Councilmember Bourke commented the Pavement Management Program can be passed tonight and 126th Avenue can be pulled out. He asked if there are any tax deferrals. City Engineer Keely stated the senior deferral is the only

one in the special assessment policy.

Councilmember Clark asked if the staff has clear direction on 126th Avenue. City Engineer Keely stated information will be brought back to the Council for consideration. She stated if the Council orders the improvements there would be pending assessments on all 728 parcels, but they do not get put on to the tax roll until the fall when the assessment hearing is held.

Councilmember Clark asked if the Council approves this action tonight, how long the Council will have to decide to keep or remove 126th Avenue in the program. City Engineer Keely stated the Council has approving plans and specifications on the agenda tonight; the City could do an addendum to pull the road from the project. She stated work can be deleted from the contract before the contractor works on the street.

Councilmember Swanson asked when the staff would review the street. City Engineer Keely replied after the snow melts.

Beth Nelson, 9084 Terrace Road, asked how the streets were assessed and if she is assessed for two streets because she lives on a corner. City Engineer Keely replied residents are assessed as single family rate on the side that has the driveway. Ms. Nelson asked why she pays a large amount of property taxes when her value has gone down. She noted that the road is not bad and is not heavily traveled.

Mayor Ryan replied the road's life is extended with an overlay and it is more economical for the residents than it would be with the cost of rebuilding the road. He stated 30 years out of a \$500 improvement is not bad.

Councilmember Kolb stated if your road is skipped and the roads around you are fixed when we go back to do your road could cost more.

Ms. Nelson asked why some roads like 90th Lane is being skipped. City Engineer Keely stated those roads may have already been done or may be too far gone for an overlay and she would need to check the rankings. She stated the neighborhoods are grouped by rankings. Councilmember Swanson commented that 90th Lane is a rebuild and rebuilds is not on this list. Council had discussion on park reconstruction within the neighborhood.

Councilmember Clark asked staff to research and report back on why 90th Lane is not included in the overlay program for 2013.

Linda Sorenson, 131st Avenue, stated her road is a major thoroughfare because it connects to Highway 65. Her concern is the road will not last 10-15 years with an overlay because of the heavy traffic. She stated 105th Lane was done last year and there are already cracks in that road. She would like to see a few stop signs added to 131st Avenue in order to extend the life of the road. Councilmember Kolb stated this road is not an MSA route and

the City needs to look at the designation. Ms. Sorenson would like to charge other residents that use 131st Avenue and she would like to change the flow of traffic.

Councilmember Herbst stated 129th Avenue will become a thoroughfare in the future. He stated he is in favor of adding stop signs to 131st Avenue. City Engineer Keely replied that the residents at the open house had commented that speeding is an issue on Xylite Street, 118th Avenue and 131st Avenue. She stated when the weather warms up the traffic can be counted with traffic counter tubes and speeds reviewed. She stated cracks do come through overlays and crack sealers will be applied with routine maintenance. She noted 129th is an MSA route in this area and when the parcel is platted it will have a straight through route from the TH 65 Service Road to Radisson Road.

Councilmember Bourke asked if the road could be built up to a higher standard because of the heavy traffic and he questioned if stop signs have been studied. City Engineer Keely replied Baltimore and 131st were studied in early 2000 and at that time the cross traffic did not warrant stop signs, but the staff will conduct a new study.

Councilmember Clark clarified that the residents on 131st are being assessed for a portion of the cost of the overlay and that the City is paying 2/3 of the cost of the project and that all residents are contributing to the cost of the project through property taxes. He stated the high level of traffic on 131st is due to being the shortest route from point A to point B and he is not convinced that adding stop signs will change traffic. Ms. Sorenson stated 129th will not go through until the developer develops the property. She asked the Council to try and do something to change the traffic flow.

Councilmember Kolb suggested placing temporary stop signs on 131st for the summer.

Jeremy Flaten, 91st Avenue, stated he is concerned that 91st Avenue is the only through street from University Avenue. He is concerned about the safety of the kids walking on the road to Westwood School. He commented his road is not in bad shape and 1.5 inches of overlay pavement does not do anything to the road. He asked why the City is more aggressive this year with the Pavement Management Program than last year. Mayor Ryan stated the City is trying to get through a 15 year cycle to catch up on road maintenance throughout the city. He stated the City had to develop a plan to fix the roads before the roads were too far gone.

City Engineer Keely stated the Pavement Management Program budget is \$10 million and the overlays are a part of the budget. She stated the 1.5 inches of overlay is in addition to what is already on the road and the curb is milled six feet from the curb line to transition the new pavement into the curb.

Mr. Flaten stated the residents want the roads fixed, but the Council should not be playing catch up to fix the problems of the last 30 years.

Mayor Ryan stated the City avoided a 1.5 million tax levy for road maintenance.

Councilmember Bourke stated the Council has the residents' best interest at heart. He stated the material and labor costs are down so the City is more aggressive on road repair this year.

Sue Blashill, 200 91st Avenue, stated she lives three houses from 7th Street. She stated her issue is with the speed of traffic on 91st Avenue. She stated there are lots of people walking to school and to the park. She stated people do not stop at the stop signs. She stated 91st Avenue is in good shape and does not need an overlay. She stated she would like to have street lights added to 91st Avenue.

Councilmember Herbst asked for the policy on street lights. City Engineer Keely replied street lights are placed at intersections and there is no funding for additional street lights in the 2013 budget. She stated 91st Avenue could be put on a list for a future street light if the street meets the street light policy criteria. Ms. Blashill stated she would like the assessment money used to improve safety.

Councilmember Swanson commented speed bumps could be installed but the neighborhood would have to agree to pay for the bumps. City Engineer Keely replied a neighborhood meeting would be needed so the costs could be discussed.

Mr. Flatten asked if it would be more cost effective to put speed bumps in with the overlay.

Ms. Blashill asked about yard lights at the end of the driveways. Councilmember Kolb stated a long time ago developers put in yard lights. Councilmember Clark replied residents can install yard lights but need to follow the road's set back policy.

City Engineer Keely corrected the Pavement Management Program costs will be \$5 million for 2013.

Harold Mostad, 9070 Terrace Road, asked how long the City has received money for the road project. He stated he has owned his property for 50 years and has not seen this before. He asked where his gas tax money goes. Mayor Ryan replied the state gas tax goes to roads, the federal gas tax goes to federal highways, and the cities have to maintain their own roads. Mr. Mostad asked how long the City has been doing this road maintenance. Mayor Ryan stated

this is the third year for the Pavement Management Program. Mayor Ryan stated prior to the Pavement Management Program road maintenance funding came out of capital improvement projects. Mr. Mostad stated I have worked all year to pay the taxes and now I have to work another week to pay this tax. Mr. Mostad asked when it will stop. Mayor Ryan replied taxes pay for all of the City's services (police, parks, streets, water) and only a part of taxes goes to streets. He stated streets only last so long and there is no way to replace a City street without sharing the cost. Mr. Mostad stated the gas tax should go for road improvements. Councilmember Herbst clarified the State's MSA gas tax goes to the City and is used for MSA road improvements. He noted Terrace Road is not a MSA road. He stated the Pavement Management Program was installed three years ago and the City levied funds to cover costs.

Bob Erck, Xylite Street near 91st Avenue, stated Xylite Street was new 19 years ago. He stated there is a new road in front of the airport and every day semi trucks, buses and waste trucks drive down his road. Mayor Ryan commented these types of vehicles should not be driving on Xylite or Rice Creek Parkway. Mr. Erck stated it is too early for an overlay for Xylite and wants to stop these types of vehicles from driving on the street. Mayor Ryan stated Rice Creek Parkway is an MSA road. Mr. Erck would like Xylite closed to through traffic. Councilmember Swanson commented the airport would build a new road when they expand the airport. Councilmember Herbst asked if weight restrictions could be placed on Xylite Street. Councilmember Swanson suggested removing MSA from Rice Creek Parkway in order to put on weight restrictions. City Engineer Keely stated Rice Creek Parkway has MSA status for at least eight more years. Mr. Erck stated the overlay will not last due to the heavy usage on Xylite. Councilmember Herbst suggested either closing Xylite or putting on a weight restriction. Councilmember Hovland stated the Council has to address traffic issues throughout the city.

Councilmember Bourke left at 9:44 p.m.

Councilmember Herbst left at 9:44 p.m.

Mayor Ryan adjourned the meeting for a short recess at 9:45 p.m.

Mayor Ryan called the meeting back to order at 9:56 p.m.

There being no further public input, Mayor Ryan closed the public hearing at 9:57 p.m.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that this Resolution be Adopted. The Motion was adopted unanimously.

9.2 [MO 13-032](#)

**PRIVATE ON-SALE WINE AND 3.2% MALT BEVERAGE
LICENSE FOR NEW OWNER OF DIXIE BLUE
BAR-B-QUE LLC D/B/A DIXIE BLUE BAR-B-QUE, 2330
CLOUD DRIVE, #101, BLAINE, MINNESOTA.**

Sponsors: Cross

Attachments: [Public Hearing Notice](#)

Mayor Ryan opened the public hearing at 9:57 p.m.

There being no public input, Mayor Ryan closed the public hearing at 9:57 p.m.

Moved by Councilmember Swanson, seconded by Councilmember Herbst, that this Motion be Approved. The Motion was adopted unanimously.

12. ADMINISTRATION

12.1 [MO 13-035](#)

**APPOINTMENT AND CONFIRMATION TO PARK
ADVISORY BOARD IN COUNCIL WARD 1**

Sponsors: Cross

Mayor Ryan appointed Jeffrey Lester to the Park Advisory Board in Council Ward 1 for a one year term.

Moved by Councilmember Hovland, seconded by Councilmember Herbst, that this Motion be Approved. The Motion was adopted unanimously.

12.2 [RES 13-039](#)

**APPROVE PLANS AND SPECIFICATIONS AND ORDER
ADVERTISEMENT FOR BIDS FOR THE PAVEMENT
MANAGEMENT PROGRAM - 2013 BITUMINOUS
OVERLAY (IMPROVEMENT PROJECT NO. 13-01),
GRANVILLE VILLAS AND GRANVILLE VILLAS
SECOND ADDITION WEAR COURSE (IMPROVEMENT
PROJECT NO. 13-08) AND BLAINE TOWN SQUARE AND
BLAINE TOWN SQUARE SECOND WEAR COURSE
(IMPROVEMENT PROJECT NO. 13-09)**

Sponsors: Keely

Attachments: [Project Location Map.pdf](#)

City Engineer Keely stated staff has added Grandville Villas and Grandville

Villas Second Addition (120th Avenue, Owatonna Street and 119th Avenue); and Blaine Town Square and Blaine Town Square Second (108th Lane, 108th Avenue and Park Drive) that do not have a wear course placed on the roads to the 2013 Pavement Management Program. She stated the developers' escrow funds for these developments will be used to pay for the work and the remaining balance is proposed to be paid from the City's Pavement Management Funds

Moved by Councilmember Herbst, seconded by Councilmember Bourke, that this Resolution be Adopted. The Motion was adopted unanimously.

13. OTHER BUSINESS

None.

14. ADJOURNMENT

Moved by Councilmember Herbst, seconded by Councilmember Bourke, to adjourn the meeting at 10:10 p.m.